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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91243392
Party	Defendant Esquire Footwear LLC
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Date	07/05/2019
Attachments	Answer of Applicant.pdf(105694 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Asco Group Limited,)	
)	
v. Opposer,)	Opposition No. 91243392
)	App. No. 87651593
Esquire Footwear LLC,)	
)	
Applicant.)	Mark: JUMP-A-ROOS
)	

ANSWER OF APPLICANT

Applicant Esquire Footwear LLC ("Applicant"), for its response to the numbered paragraphs of the Notice of Opposition filed by Asco Group Limited ("Opposer"), answers as follows

1. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Notice of Opposition and, therefore, denies the same.

2. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Notice of Opposition and, therefore, denies the same.

3. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Notice of Opposition and, therefore, denies the same.

4. In response to Paragraph 4 of the Notice of Opposition, Applicant admits that Opposer is the listed owner of the registrations identified in the paragraph, that the details regarding the registration numbers, application and registration dates, and goods are accurate. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 4 of the Notice of Opposition and, therefore, denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Notice of Opposition and, therefore, denies the same.

6. Applicant admits the allegations of Paragraph 6 of the Notice of Opposition.

7. Applicant admits the allegations of Paragraph 7 of the Notice of Opposition.

8. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 8 of the Notice of Opposition and, therefore, denies the same.

9. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 9 of the Notice of Opposition and, therefore, denies the same.

10. In response to Paragraph 10 of the Notice of Opposition, Applicant incorporates its responses to Paragraphs 1-9 as though fully set forth herein.

11. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 11 of the Notice of Opposition and, therefore, denies the same.

12. In response to Paragraph 12 of the Notice of Opposition, Applicant admits that its JUMP-A-ROOS mark includes the term "ROOS". Applicant denies the remaining allegations of Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations of Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations of Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations of Paragraph 15 of the Notice of Opposition.

16. In response to Paragraph 16 of the Notice of Opposition, Applicant admits that the goods and services that are the subject of its Application Serial No. 87651593 are related to the goods that are the subject of the registrations identified in Paragraph 4 of the Notice of

Opposition. Applicant denied the remaining allegations of Paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations of Paragraph 17 of the Notice of Opposition.

18. Applicant denies the allegations of Paragraph 18 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

First Affirmative Defense

31. The JUMP-A-ROOS mark of Application Serial No. 87651593 is distinctively different from Opposer's marks so as to avoid confusion, deception or mistake as to the source, sponsorship, association or approval of the goods and services recited in Application Serial No. 87651593.

Second Affirmative Defense

32. The terms "ROO" and "ROOS" are widely used and highly diluted in marks for use in connection with footwear and related goods and services. Opposer's rights are strictly limited to the marks it has registered such that the JUMP-A-ROOS mark of Application Serial No. 87651593 is not confusingly similar to Opposer's purported marks in terms of connotation, appearance, pronunciation and/or overall commercial impression.

Third Affirmative Defense

33. Applicant's use of the JUMP-A-ROOS mark of Application Serial No. 87651593 will not mistakenly be thought by the public to derive from the same source as Opposer's goods, nor will such use be thought by the public to be a use by Opposer or with Opposer's authorization or approval.

WHEREFORE, Applicant Esquire Footwear LLC prays that the Notice of Opposition be dismissed with prejudice

Respectfully submitted,

Esquire Footwear LLC

Date: July 5, 2019

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Answer of Applicant** was served upon the following counsel for Opposer by electronic mail this 5th day of July, 2019:

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